

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KARL JULIUS JAMES,

Petitioner,

ORDER

v.

MICHAEL THURMER,

08-cv-568-slc

Respondent.

Petitioner Karl Julius James, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. Because the complaint is not accompanied by the \$350 fee for filing this case, I construe petitioner's complaint to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until petitioner pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Petitioner's complaint was submitted on September 23, 2008. His trust fund account statement should cover the six-month period beginning approximately March 24, 2008 and ending approximately September 22, 2008. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until October 21, 2008, in which to submit a trust fund account statement for the period beginning approximately March 24, 2008 and ending approximately September 22, 2008. If, by October 21, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 30th day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge